

SENATE BILL 3736
By Beavers

AN ACT to amend Tennessee Code Annotated, Title 7 and Title 68, relative to the exercise of eminent domain by utility districts and wastewater entities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-82-305, is amended by deleting the section in its entirety and by substituting instead the following:

Any district has the power to condemn either the fee, or such right, title interest, or easement in the property, as the board may deem necessary for any of the purposes mentioned in this chapter consistent with the federal and state constitutions, and such property or interest in such property may be so acquired, whether or not the property or interest is owned or held for public use by corporations, associations or persons having the power of eminent domain, or otherwise held or used for public purposes; provided, that such prior public use shall not be interfered with by this use. After providing thirty (30) days' advance notice to the comptroller of the treasury and the governor, such power of condemnation may be exercised in the mode or method of procedure prescribed by title 29, chapter 16, or in the mode or method of procedure prescribed by any other applicable statutory provisions now in force or hereafter enacted for the exercise of the power of eminent domain; provided, that where title to any property sought to be condemned is defective, it shall be passed by decree of court. Where condemnation proceedings become necessary, the court with appropriate jurisdiction in which such proceedings are filed shall, upon application by the district and upon the posting of a bond with the clerk of the court in such amount as the court may deem commensurate with the value of the property, order that the right of possession shall

issue immediately or as soon and upon such terms as the court, in its discretion, may deem proper and just.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.